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99th Congress, 2d Session

House Document 99-242

ORIGINAL

EXTENSION OF THE GOVERNING INTERNATIONAL
FISHERY AGREEMENT BETWEEN THE
UNITED STATES AND THE
UNION OF SOVIET SOCIALIST REPUBLICS

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

AN EXCHANGE OF NOTES EXTENDING THE GOVERNING INTERNATIONAL FISHERY AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS, PURSUANT TO 16 U.S.C. 1823(a)



JULY 14, 1986.—Message and accompanying papers referred to the Committee on Merchant Marine and Fisheries and ordered to be printed.

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1986

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To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265; 16 U.S.C. 1801 *et seq.*), (the Act), I transmit herewith an exchange of notes extending the Governing International Fishery Agreement between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics, signed at Washington on November 26, 1976, for the period of one year from December 31, 1986, until December 31, 1987.

This Agreement is one of a series negotiated in accordance with the Act. We have not sought to renegotiate the agreement for a number of reasons, and it has been extended for periods of one year to eighteen months since July 1982. The extension of this Agreement will permit U.S. fishermen to continue cooperative fisheries arrangements with Soviet fishermen. Unless the Agreement is extended these operations will cease, causing significant financial hardship to U.S. fishermen.

I recommend that the Congress give favorable consideration to this extension at an early date.

RONALD REAGAN.

THE WHITE HOUSE, July 1, 1986.

DEPARTMENT OF STATE,
DIVISION OF LANGUAGE SERVICES,
(Translation)

LS NO. 119823, AO/BL, Russian.
No. 48

In reference to the Department of State's note dated May 16, 1986, the Embassy of the Union of Soviet Socialist Republics is authorized to announce the consent of the Government of the U.S.S.R. to the proposal of the American side to extend to December 31, 1987, the Agreement Between the Government of the Union of Soviet Socialist Republics and the Government of the United States of America Concerning Fisheries Off the Coasts of the United States of America, which was signed on November 26, 1976, as subsequently amended, the term of which expires on December 31, 1986.

The U.S.S.R. Embassy acknowledges that the aforesaid note of the U.S. Department of State and this reply thereto shall constitute agreement between the two Governments on this issue.

June 17, 1986, Washington, D.C.

DEPARTMENT OF STATE,
UNITED STATES OF AMERICA,
Washington, D.C.

The Department of State wishes to draw to the attention of the Embassy of the Union of the Soviet Socialist Republics the Agreement between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Concerning Fisheries Off the Coasts of the United States, signed November 26, 1976, as amended and due to expire on December 31, 1986.

The Government of the United States proposes that this Agreement be extended until December 31, 1987.

If the Government of the Union of Soviet Socialist Republics agrees to such an extension, it is proposed that this note and the Embassy's reply thereto shall constitute an agreement between the two Governments, which shall enter into force following written confirmation of the completion of internal procedures of both Governments.

DEPARTMENT OF STATE,
Washington, May 16, 1986.

DEPARTMENT OF STATE,
DIVISION OF LANGUAGE SERVICES,
(Translation)

LS NO 117482, LB/AO, Russian.
No. 68

The Embassy of the Union of Soviet Socialist Republics, referring to the Department of State's note, dated July 29, 1985, is authorized to state that the U.S.S.R. Government agrees with the U.S. side's proposal to extend to December 31, 1986, the Agreement be-

tween the Government of the Union of Soviet Socialist Republics and the Government of the United States of America concerning Fisheries Off the Coasts of the United States of America, which was signed on November 26, 1976, with subsequent amendments, and whose term expires on December 31, 1985.

The U.S.S.R. Embassy confirms that the aforesaid note of the U.S. Department of State and this reply thereto constitute agreement between the two Governments on this issue.

September 2, 1985, Washington, D.C.

DEPARTMENT OF STATE,
UNITED STATES OF AMERICA,
Washington, D.C.

The Department of State wishes to draw to the attention of the Embassy of the Union of Soviet Socialist Republics the Agreement between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Concerning Fisheries Off the Coasts of the United States, signed November 26, 1976, as amended, and due to expire on December 31, 1985.

The Government of the United States proposes that this Agreement be extended until December 31, 1986.

If the Government of the Union of Soviet Socialist Republics agrees to such an extension, it is proposed that this note and the Embassy's reply thereto shall constitute an agreement between the two Governments, which shall enter into force following written notification of the completion of internal procedures of both Governments.

DEPARTMENT OF STATE,
Washington, July 29, 1985.

DEPARTMENT OF STATE,
DIVISION OF LANGUAGE SERVICES,
(Translation)

LS NO. 112576, LB/AO, Russian.
No. 14

The Embassy of the Union of Soviet Socialist Republics, referring to the Department of State's note of February 28, 1984, is authorized to state that the U.S.S.R. government agrees with the American side's proposal to extend to December 31, 1985, the Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the United States of America Concerning Fisheries Off the Coasts of the United States of America, which was signed on November 26, 1976, with subsequent amendments, and which expires on July 1, 1984.

The U.S.S.R. Embassy confirms that the aforesaid note from the U.S. Department of State and this reply thereto shall constitute an agreement between the two Governments on this issue.

April 11, 1984, Washington, D.C.

DEPARTMENT OF STATE,
UNITED STATES OF AMERICA,
Washington, D.C.

The Department of State wishes to draw to the attention of the Embassy of the Union of Soviet Socialist Republics the Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Concerning Fisheries Off the Coasts of the United States, signed November 26, 1976, as amended, and due to expire on July 1, 1984.

The Government of the United States proposes that this Agreement be extended until December 31, 1985.

If the Government of the Union of Soviet Socialist Republics agrees to such an extension, it is proposed that this note and the Embassy's reply thereto shall constitute an agreement between the two Governments, which shall enter into force following written notification of the completion of internal procedures of both Governments.

DEPARTMENT OF STATE,
Washington, February 28, 1984.

I certify that this note is a true copy of the signed original.

JACOB WALLIS.

DEPARTMENT OF STATE,
DIVISION OF LANGUAGE SERVICES,
(Translation)

EMBASSY OF THE UNION OF SOVIET SOCIALIST REPUBLICS.
LS NO. 110091, LB, Russian.
No. 28

The Embassy of the Union of Soviet Socialist Republics, referring to the Department of State's note of July 13, 1983, expresses agreement that the understanding on extending the term of the Agreement Between the Government of the Union of Soviet Socialist Republics and the Government of the United States Concerning Fisheries Off the Coasts of the United States of America, signed on November 26, 1976, shall enter into force on the date of presentation of this note.

July 15, 1983, Washington, D.C.

DEPARTMENT OF STATE,
UNITED STATES OF AMERICA,
Washington, D.C.
[Initialed]

The Department of State refers to Note No. 17 of April 20, 1983 from the Embassy of the Union of Soviet Socialist Republics and to the Note of April 8, 1983 from the Department of State, which together constitute an agreement to extend until July 1, 1984 the Agreement Between the Government of the United States and the Government of the Union of Soviet Socialist Republics Concerning Fisheries Off the Coasts of the United States, signed November 26, 1976. Under the terms of those Notes, the Agreement to extend the Fisheries Agreement shall enter into force following written notification of the completion of internal procedures of both governments.

The Department of State hereby confirms that the necessary United States internal procedures have been completed. Consequently the agreement to extend the Fisheries Agreement shall enter into force on the date of written notification of the completion of internal procedures of the Union of Soviet Socialist Republics.

DEPARTMENT OF STATE,
Washington.

DEPARTMENT OF STATE,
DIVISION OF LANGUAGE SERVICES,
(Translation)

Embossed seal of the
EMBASSY OF THE UNION OF SOVIET SOCIALIST REPUBLICS.
LS NO. 109316, AO, Russian.
No. 17

The Embassy of the Union of Soviet Socialist Republics refers to the note of April 8, 1983, from the Department of State and is authorized to announce the agreement of the U.S.S.R. Government with the proposal of the American side to extend until July 1, 1984, the Agreement Between the Government of the Union of Soviet Socialist Republics and the Government of the United States of America Concerning Fisheries Off the Coasts of the United States that was signed November 26, 1976, and is due to expire July 1, 1983.

The U.S.S.R. Embassy confirms that the afore-mentioned note of the U.S. Department of State and this reply thereto constitute an agreement between the two Governments on this subject.

Washington, D.C., April 20, 1983.

[Initialed A. Dob]

To the DEPARTMENT OF STATE,
UNITED STATES OF AMERICA,
Washington, D.C.

The Department of State wishes to draw to the attention of the Embassy of the Union of Soviet Socialist Republics the Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Concerning Fisheries Off the Coasts of the United States, signed November 26, 1976, and due to expire on July 1, 1983.

The Government of the United States proposes that this Agreement be extended until July 1, 1984.

If the Government of the Union of Soviet Socialist Republics agrees to such an extension, it is proposed that this note and the Embassy's reply thereto shall constitute an agreement between the two Governments, which shall enter into force following written notification of the completion of internal procedures of both Governments.

DEPARTMENT OF STATE,
Washington, April 8, 1983.

DEPARTMENT OF STATE,
DIVISION OF LANGUAGE SERVICES,
(Translation)

LS NO. 106158, AO, Russian.
No. 18

The Embassy of the Union of Soviet Socialist Republics refers to the note of April 22, 1982, from the Department of State and is authorized to announce the agreement of the U.S.S.R. Government with the proposal of the American side to extend until July 1, 1983, the Agreement Between the Government of the Union of Soviet Socialist Republics and the Government of the United States of America Concerning Fisheries Off the Coasts of the United States that was signed November 26, 1976, and is due to expire July 1, 1982, as amended to include two ports of call.

The U.S.S.R. Embassy confirms that the afore-mentioned note of the U.S. Department of State and this reply thereto constitute an agreement between the two Governments on this subject.

Washington, D.C., April 29, 1982.

To the DEPARTMENT OF STATE,
UNITED STATES OF AMERICA,
Washington, D.C.

The Department of State refers to the Note of April 29 from the Embassy of the Union of the Soviet Socialist Republics concerning the amendment to Annex III of the Agreement Between the Government of the United States and the Government of the Union of Soviet Socialist Republics Concerning Fisheries off the Coasts of the United States.

The Government of the United States accepts the proposal of the Embassy of the Union of Soviet Socialist Republics to substitute the ports of Dutch Harbor, Alaska, and Astoria, Oregon, for the ports of Honolulu, Hawaii, and Seattle, Washington, in paragraph 1 of Annex III of the Agreement. Your Note of April 29 and the Department of State's Note of April 22 and this Note shall constitute an agreement amending Annex III.

DEPARTMENT OF STATE,
Washington.

I certify that this note is a true copy of the signed original.

RAYMOND V. ARNAUDO.

DEPARTMENT OF STATE,
DIVISION OF LANGUAGE SERVICES,
(Translation)

LS NO. 10615B, AO, Russian.
No. 17

The Embassy of the Union of Soviet Socialist Republics refers to the note of April 22, 1982, from the Department of State and advises that the U.S.S.R. Government does not object to substitute other ports for the ports of Honolulu (Hawaii) and Seattle (Washington) mentioned in paragraph 1 of Annex III to the Agreement

Between the Government of the Union of Soviet Socialist Republics and the Government of the United States of America Concerning Fisheries Off the Coasts of the United States, signed November 26, 1976 and due to expire July 1, 1982.

Specifically, the Government of the Union of Soviet Socialist Republics is prepared to discuss as alternative harbors the ports of Dutch Harbor (Alaska) and Astoria (Oregon).

Washington, D.C., April 29, 1982.

To the DEPARTMENT OF STATE,
UNITED STATES OF AMERICA,
Washington, D.C.

The Department of State wishes to draw to the attention of the Embassy of the Union of Soviet Socialist Republics the Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Concerning Fisheries Off the Coasts of the United States, signed November 26, 1976, and due to expire on July 1, 1982, as amended.

The Government of the United States proposes that this Agreement be extended until July 1, 1983.

If the Government of the Union of Soviet Socialist Republics agrees to such an extension, it is proposed that this note and the Embassy's reply thereto shall constitute an agreement between the two Governments, which shall enter into force following written notification of the completion of internal procedures of both Governments.

DEPARTMENT OF STATE,
Washington, April 22, 1982.

I certify that this note is a true copy of the signed original.

RAYMOND V. ARNAUDO.

The Department of State wishes to draw to the attention of the Embassy of the Union of Soviet Socialist Republics the Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Concerning Fisheries Off the Coasts of the United States, signed November 26, 1976.

The Government of the United States proposes to delete the ports of Honolulu, Hawaii, and Seattle, Washington, from paragraph 1 of Annex III of the Agreement. This note and the Embassy's acceptance of these deletions shall constitute an amendment to Annex III of the Agreement as of the date of the Embassy's acceptance. The Government of the United States is prepared to discuss alternative ports on the Pacific coast which may be substituted for the above two ports.

I certify that this note is a true copy of the signed original.

RAYMOND V. ARNAUDO.
DEPARTMENT OF STATE,
Washington, April 22, 1982.

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AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS CONCERNING FISHERIES OFF THE COASTS OF THE UNITED STATES

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics,

Considering their common concern for the rational management, conservation and optimum utilization of fish stocks off the coasts of the United States;

Acknowledging the fishery management authority of the United States of America as set forth in the Fishery Conservation and Management Act of 1976;

Having regard for the discussions of the Third United Nations Conference on the Law of the Sea regarding coastal state rights over fisheries off its coasts;

Taking into account the traditional fishing of the fleet of the Soviet Union off the coast of the United States, the level of the Soviet Union cooperation with the United States in fishery research, assessment of fishery resources and enforcement with respect to the conservation and management of fishery resources, as well as existing agreements between the Governments of the United States of America and the Union of Soviet Socialist Republics; and

Desirous of establishing reasonable terms and conditions pertaining to fisheries of mutual concern over which the United States of America exercises fishery management authority;

Have agreed as follows:

ARTICLE I

The purpose of this Agreement is to ensure effective conservation, optimum utilization and rational management of the fisheries of mutual interest off the coasts of the United States of America and to establish a common understanding of the principles and procedures under which fishing may be conducted by nationals and vessels of the Soviet Union for the living resources over which the United States exercises fishery management authority as provided by United States law.

ARTICLE II

As used in this Agreement, the term

1. "living resources over which the United States exercises fishery management authority" means all fish within the fishery conservation zone of the United States except highly migratory species, all anadromous species of fish that spawn in the fresh or estuarine waters of the United States and migrate to ocean waters and

all living resources of the continental shelf appertaining to the United States;

2. "fish" means all finfish, molluscs, crustaceans, and other forms of marine animal and plant life, other than marine mammals, birds and highly migratory species;

3. "fishery" means

a. one or more stocks of fish that can be treated as a unit for purposes of conservation and management and that are identified on the basis of geographical, scientific, technical, recreational and economic characteristics; and

b. any fishing for such stocks;

4. "fishery conservation zone" means a zone contiguous to the territorial sea of the United States of America, the seaward boundary of which is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the breadth of the territorial sea of the United States of America is measured;

5. "fishing" means

a. the catching, taking or harvesting of fish;

b. the attempted catching, taking or harvesting of fish;

c. any other activity that can reasonably be expected to result in the catching, taking or harvesting of fish; or

d. any operations at sea directly in support of, or in preparation for, any activity described in subparagraphs a. through c. above, provided that such term does not include other legitimate uses of the high seas, including any scientific research activity conducted by a scientific research vessel;

6. "fishing vessel" means any vessel, boat, ship or other craft that is used for, equipped to be used for, or of a type that is normally used for

a. fishing; or

b. aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including preparation, supply, storage, refrigeration, transportation or processing;

7. "highly migratory species" means species of tuna which in the course of their life cycle, spawn and migrate over great distances in waters of the ocean; and

8. "marine mammals" means any mammal that is morphologically adapted to the marine environment, including sea otters and members of the orders Sirenia, Pinnipedia, and Cetacea, or mainly inhabits the marine environment.

ARTICLE III

1. The Government of the United States of America shall determine each year, subject to such adjustments as may be necessitated by unforeseen circumstances affecting the stocks;

a. the total allowable catch for each fishery on the basis of the best available scientific evidence, taking into account the interdependence of stocks, internationally accepted criteria, and all other relevant factors;

b. the harvesting capacity of United States fishing vessels in respect of each fishery;

c. the portion of the total allowable catch for a specific fishery that, on an annual basis, will not be harvested by United States fishing vessels; and

d. the allocation of such portion that can be made available to fishing vessels of the Soviet Union.

2. The United States shall determine each year the measures necessary to prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery.

3. In determining the portion of the surplus that may be made available to vessels of the Soviet Union, the Government of the United States of America will promote the objective of optimum utilization, taking into account, *inter alia*, traditional fishing of the Soviet Union, contributions by the Soviet Union to fishery research and the identification of stocks, previous cooperation by the Soviet Union in enforcement with respect to conservation and management of fishery resources of mutual concern, and the need to minimize economic dislocation in cases where vessels of the Soviet Union have habitually fished for living resources over which the United States now exercises fishery management authority.

4. The Government of the United States of America shall notify the Government of the Union of Soviet Socialist Republics of the determinations provided for by this Article on a timely basis.

ARTICLE IV

The Government of the Union of Soviet Socialist Republics shall take all necessary measures to ensure:

1. that nationals and vessels of the Soviet Union refrain from fishing for living resources over which the United States exercises fishery management authority except as authorized pursuant to this Agreement;

2. that all such vessels so authorized comply with the provisions of permits issued pursuant to this Agreement and applicable laws of the United States; and

3. that the total allocation assigned to the fishing fleet of the Soviet Union referred to in Article III, paragraph 1. d. of this Agreement is not exceeded for any fishery.

ARTICLE V

The competent authorities of the Government of the Union of Soviet Socialist Republics may submit an application to the competent authorities of the Government of the United States of America for a permit for each fishing vessel of the Soviet Union that wishes to engage in fishing in the fishery conservation zone pursuant to this agreement. Such application shall be prepared and processed in accordance with Annex I to this Agreement, which shall constitute an integral part of this Agreement. The Government of the United States of America may require the payment of reasonable fees for such permits.

ARTICLE VI

The Government of the Union of Soviet Socialist Republics shall ensure that nationals and vessels of the Soviet Union refrain from

harassing, hunting, capturing, or killing, or attempting to harass, hunt, capture or kill, any marine mammal within the United States fishery conservation zone, except as may be otherwise provided by an international agreement respecting marine mammals to which the United States is a party, or in accordance with specific authorization for and controls on incidental taking of marine mammals established by the Government of the United States of America.

ARTICLE VII

The Government of the Union of Soviet Socialist Republics shall ensure that in the conduct of the fisheries under this Agreement:

1. the authorizing permit for each fishing vessel of the Soviet Union is prominently displayed in the wheelhouse of such vessel;
2. appropriate position-fixing and identification equipment is installed and maintained in working order on each such vessel;
3. designated United States observers are permitted to board, upon request, any such fishing vessel, and shall be treated as a ship's officer while aboard such vessel, and, further, the Government of the United States of America shall be reimbursed for the costs incurred in the utilization of observers;
4. agents are appointed and maintained within the United States possessing the authority to represent a vessel owner or operator in any legal proceeding arising out of the conduct of fishing activities under this Agreement, in accordance with applicable laws of the United States; and
5. all necessary measures are taken to ensure the prompt and adequate compensation of United States citizens for any loss of, or damage to, their fishing vessels, fishing gear or catch that is caused by any fishing vessel of the Soviet Union as determined by applicable United States procedures.

ARTICLE VIII

1. The Government of the Union of Soviet Socialist Republics shall take such measures as may be necessary to ensure that each fishing vessel of the Soviet Union authorized to fish pursuant to this Agreement, and any other fishing vessel of the Soviet Union that engages in fishing for living resources subject to the fishery management authority of the United States, shall allow and assist the boarding and inspection of such vessel by any duly authorized enforcement official of the United States, and shall cooperate in such enforcement action as may be undertaken pursuant to the laws of the United States.

2. In cases where a fishing vessel of the Soviet Union has violated a provision of this Agreement or a provision of a permit issued pursuant thereto, the Government of the United States of America shall immediately notify the Government of the Union of Soviet Socialist Republics through diplomatic channels of the facts and the action taken.

3. In order to facilitate the prompt and adequate compensation of the citizens of one country for any loss of, or damage to, their fishing vessels, fishing gear or catch which is caused by any fishing vessel of the other country, the two Governments established the

American-Soviet Fisheries Claims Boards as set forth in the Agreement between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Relating to the Consideration of Claims Resulting from Damage to Fishing Vessels or Gear and Measures to Prevent Fishing Conflicts signed at Moscow, February 21, 1973.

ARTICLE IX

1. The Government of the United States of America will impose appropriate penalties, in accordance with the laws of the United States, on fishing vessels of the Soviet Union or their owners or operators that violate the requirements of this Agreement or of any permit issued hereunder.

2. In cases of an enforcement action undertaken by authorities of the Government of the United States of America, the economic loss encountered by the vessel and crew because of lost fishing time shall be minimized through prompt release of the vessel and crew upon the posting of reasonable bond or other security.

ARTICLE X

The Government of the Union of Soviet Socialist Republics undertakes to cooperate with the Government of the United States of America in the conduct of scientific research required for the purpose of managing and conserving living resources subject to the fishery management authority of the United States, including the compilation of best available scientific information for the management and conservation of stocks of mutual concern. The competent agencies of the two Governments shall enter into such arrangements as may be necessary to facilitate such cooperation, including the exchange of information and scientists, regularly scheduled meetings between scientists to prepare research plans and review progress; and the implementation and maintenance of a standardized system for the collection and archiving of relevant statistical and biological information in accordance with the procedures set forth in Annex II, which shall constitute an integral part of this Agreement.

ARTICLE XI

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics shall carry out periodic bilateral consultations regarding the implementation of this Agreement and the development of further cooperation in the field of fisheries of mutual concern, including the establishment of appropriate multilateral organizations for the collection and analysis of scientific data respecting such fisheries.

ARTICLE XII

The Government of the United States of America undertakes to authorize fishing vessels of the Soviet Union allowed to fish pursuant to this Agreement to enter designated ports in accordance with United States laws for the purpose of purchasing bait, supplies, or outfits, or effecting repairs, or for such other purposes as may be

authorized in accordance with the procedures set forth in Annex III, which shall constitute an integral part of this Agreement.

ARTICLE XIII

Should the Government of the United States of America indicate to the Government of the Union of Soviet Socialist Republics that its nationals and vessels wish to engage in fishing in the fishery conservation zone of the Soviet Union or its equivalent, the Government of the Union of Soviet Socialist Republics will allow such fishing on the basis of reciprocity and on terms not more restrictive than those established in accordance with this Agreement.

ARTICLE XIV

Nothing contained in the present Agreement shall prejudice the views of either contracting Government with respect to the existing territorial or other jurisdiction of the coastal state for all purposes other than the conservation and management of fisheries.

ARTICLE XV

1. This Agreement shall enter into force on a date to be mutually agreed by exchange of notes, following the completion of the internal procedures of both Parties, and shall remain in force until July 1, 1982, unless terminated sooner by either Party after giving written notification of such termination one year in advance.

2. This agreement shall be subject to review by the two Governments two years after its entry into force or upon the conclusion of a multilateral treaty resulting from the Third United Nations Conference on the Law of the Sea.

In witness whereof, the undersigned, being duly authorized for this purpose, have signed this Agreement.

Done at Washington, on the twenty-sixth day of November, 1976, in duplicate, in the English and Russian languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:

James A. Davis Jr.

FOR THE GOVERNMENT OF THE UNION
OF SOVIET SOCIALIST REPUBLICS:

[Signature]

ANNEX I

Application and Permit Procedures

The following procedures shall govern the application for and issuance of annual permits authorizing vessels of the Soviet Union to engage in fishing for living resources over which the United States exercises fishery management authority:

1. The competent authorities of the Soviet Union may submit an application to the competent authorities of the United States for each fishing vessel of the Soviet Union that wishes to engage in fishing pursuant to this Agreement. Such application shall be made on forms provided by the Government of the United States of America for that purpose.

2. Any such application for vessel permits shall specify

a. the name and official number or other identification of each fishing vessel for which a permit is sought, together with the name and address of the owner;

b. the tonnage, capacity, speed, processing equipment, type and quantity of fishing gear;

c. a specification of each fishery in which each such vessel wishes to fish;

d. the amount of fish or tonnage of catch by species contemplated for each such vessel during the time such permit is in force;

e. the ocean area in which, and the season or period during which, such fishing would be conducted; and

f. such other relevant information as may be requested, including desired transshipping areas.

3. The competent authorities of the United States shall review each application, shall determine what conditions and restrictions related to fishery management and conservation may be needed, and what fee will be required. The competent authorities of the United States shall inform the competent authorities of the Union of Soviet Socialist Republics of such determinations.

4. The competent authorities of the Soviet Union shall thereupon notify the competent authorities of the United States of their acceptance or rejection of such conditions and restrictions and, in the case of a rejection, of their objections thereto.

5. Upon acceptance of the conditions and restrictions by the competent authorities of the Soviet Union and the payment of all fees, the competent authorities of the United States shall approve the application and issue a permit for each fishing vessel of the Soviet Union which shall thereupon be authorized to fish in accordance with this Agreement and the terms and conditions set forth in the permit. Such permits shall be issued for a specific vessel and shall not be transferred.

6. In the event the competent authorities of the Soviet Union notify the competent authorities of the United States of their objections to specific conditions and restrictions, the two Parties may consult with respect thereto and the competent authorities of the Soviet Union may thereupon submit a revised application.

7. The provisions of this Annex may be amended by agreement through an exchange of notes between the two Governments.

ANNEX II

Methods Of Collecting Biostatistical Information And Reporting Data On Catches Of Soviet Fishing Vessels Off The Coasts Of The United States

Methods of collecting biostatistical information and reporting data on catches of Soviet fishing vessels as described below are needed for monitoring the status of stocks of the exploitable population of commercial species, and for the evaluation of the possible changes in the fishing resources.

This brings about the need to provide for necessary accuracy in the follow-up of these methods of collecting biostatistical information and reporting data on catches of Soviet fishing vessels, and in its timely and systematic submission. It also implies that some form of archiving of the basic data be provided so that retrieval at a later date in a format different from that specified earlier is possible.

In the future, while the data will be accumulated and analyzed, and the methods of stock assessment will constantly be improved, the methods of collecting biostatistical information and reporting data on catches of Soviet fishing vessels will be improved.

The results of application and of further improvement of the methods of collecting biostatistical information shall be discussed at regular meetings of Soviet Union and United States scientists.

All data described below for the Atlantic area shall be reported to the Director, Northeast Fisheries Center, National Marine Fisheries Service, Woods Hole, Massachusetts; data for the Pacific area shall be reported to the Director, Northwest Region, National Marine Fisheries Service, Seattle, Washington.

As available, summary information based on the monthly and quarterly biological and statistical catch data submitted by the Soviet Union to the above mentioned fisheries centers will be provided when requested to the respective Soviet research institutions of the Soviet Union (VNIRO, Moscow; AtlantNIRO, Kaliningrad; TINRO, Vladivostok.)

1. Catch Data Reporting Requirements for all Fisheries

a. Atlantic Coast

Three months after the close of each quarter, catch effort statistics for semi-monthly time periods for 30-minute square areas shall be reported by vessel for previous quarter. These shall be reported using semi-monthly 30-minute square Statlant 21 B Forms or magnetic tape, computer cards or printouts for all species and gear types. These data, which will be recorded by the fishing vessels, are to be available for making selected, specific joint stock assessment studies. The collection of samples, specified in 2. below, shall be annotated in the fishing records to be kept by the fishing vessels.

Both sides understand that during the first year of the Agreement it may be difficult to meet the time requirements for the reporting of statistics, and before December 31, 1977 such reporting might take as long as six months from the end of the quarter.

b. Pacific Coast

(1) Catch Data Reporting Requirements for the Bering Sea and Aleutian Trawl Fishery:

The U.S.S.R. shall report by May 30 of the following year annual catch and effort statistics as follows: Effort in hours trawled, by vessel class, by gear type, by month, by $\frac{1}{2}^{\circ}$ (lat.) $\times$ 1° (long.) statistical area; Catch in metric tons, by vessel class, by gear type, by month, by $\frac{1}{2}^{\circ}$ (lat.) $\times$ 1° (long.) statistical area, by the following species groupings:

Yellowfin sole, Rock sole, Flathead sole, Arrowtooth flounder, Greenland turbot, other flounders, Pacific ocean perch, Pacific cod, Sablefish (blackcod), Walleye (Alaska) pollock, Atka mackerel, Pacific herring, any other species taken in excess of 1,000 mt, and other fishes.

In addition to the annual statistical report in (1), above, the U.S.S.R. shall report by the end of the following month, provisional fishery information for each month as follows: Effort in vessel-days on the grounds by vessel-class and gear-type; and Catch in metric tons of flounders, rockfishes, cod, pollock, sablefish, Atka mackerel, herring and others, for each of the following statistical areas of the International North Pacific Fisheries Commission (INPFC) within the United States fishery conservation zone: Bering Sea; subareas 1, 2, 3 and 4.

(2) Catch Data Reporting Requirements for Gulf of Alaska Trawl Fisheries:

The U.S.S.R. shall report by May 30 of the following year annual catch and effort statistics, as follows: Effort in hours trawled, by vessel class, by gear type, by month, by $\frac{1}{2}^{\circ}$ (lat.) $\times$ 1° (long.) statistical area; Catch in metric tons, by vessel class, by gear type, by month, by $\frac{1}{2}^{\circ}$ (lat.) $\times$ 1° (long.) statistical area, by the following species groupings:

Rock sole, Flathead sole, Arrowtooth flounder, other flounders, Pacific ocean perch, other rockfishes, Pacific cod, Sablefish, Alaska pollock, Atka mackerel, any other species taken in excess of 1,000 mt, and other fishes.

In addition to the annual statistical report above the U.S.S.R. shall report by the end of the following month, provisional monthly fishery information as follows: Effort in vessel-days on the grounds by vessels class; and catch in metric tons of flounders, rockfishes, cod, pollock, sablefish, Atka mackerel, and others, for each of the following statistical areas of the International North Pacific Fisheries Commission (INPFC):

Southeastern, Yakutat, Kodiak, Chirikof, and Shumagin.

(3) Catch Data Reporting Requirements for the Pacific Hake Fisheries:

The U.S.S.R. shall report by May 30 of the following year annual catch and effort statistics, as follows: Effort in hours trawled, by vessel class, by gear type, by month, by $\frac{1}{2}^{\circ}$ (lat.) $\times$ 1° (long.) statistical area; Catch in metric tons, by vessel class, by gear type, by month, by $\frac{1}{2}^{\circ}$ (lat.) $\times$ 1° (long.) statistical area by the following groupings:

Hake, Jake mackerel, Pacific ocean perch, other rockfishes, Sablefish, Dover sole, other flounders, Anchovies,

Herring, any other species taken in excess of 1,000 mt, and other fishes.

In addition to the annual statistical report above, the U.S.S.R. shall report by the end of the following month, provisional monthly fishery information as follows: Effort in vessel-days on the grounds by vessel class; and catch in metric tons by hake, jack mackerel, rockfishes, flounders, and others, for each of the following statistical areas of the INPFC:

Conception, Monterey, Eureka, Columbia, and Vancouver (that portion off the United States coast).

The U.S.S.R. shall also provide such data on any Soviet fisheries in the United States fishery conservation zone in the Hawaiian archipelago region of the Pacific Ocean.

Both sides understand that it may be difficult during the first year of the Agreement to meet the time requirement for the reporting of provisional monthly catch and effort statistics and that reporting such data before December 31, 1977 might take as long as 45 days from the end of the month for which it was collected.

2. Methods of Collecting Biostatistical Information

a. Atlantic Coast

(1) Length-age composition samples

(a) Samples shall be taken separately for each gear type (e.g. bottom trawl, pelagic trawl, purse seine) and water layer (e.g. on the bottom, mid-water level) combination every month by 30 minute square area in which fishing is pursued. One sample shall be taken for every 1,000 tons or fraction thereof within the above categories.

(b) Data to be recorded for each sample: Vessel Class; Method of fishing: e.g., pelagic; Specific type of trawl and its vertical and horizontal opening; Mesh sizes; Tonnage of the species sampled in the trawl haul; Total weight of the fish sampled; Time of day of haul; Date; and Latitude and Longitude of haul.

(c) Sampling procedures

(i) Species for which the catch is sorted

(a) From a single net haul take 4 random aliquots of approximately 50 fish each (For species with less than 200 fish in a single trawl haul accumulate samples over trawl hauls until approximately 200 fish are taken.)

(b) Measure fork length for each fish nearest cm except for herring where the measurement will be the total length to the nearest cm below. Where other measurement systems are used, appropriate conversion information must be supplied.

(c) Take a subsample of one fish from each cm interval (or for fish of large size e.g. spiny dogfish, 2 or 3 cm intervals as in ICNAF standards) and remove scales and otoliths as appropriate. The total number of age samples

per month should at least meet the standards established by AtlantNIRO and published as a 1973 ICNAF Document. If it becomes obvious to the samplers that the one fish per interval procedures will not meet these goals they shall increase the sampling intensity. However, the taking of these additional samples does not negate the need to take the prescribed one fish per interval from each length sample. Record the sex of mature individuals in order to examine differences in growth rate between sexes and to assure adequate weighting of age length keys between sexes.

(ii) Species for which catch is not sorted

(a) From a single trawl take 2 random aliquots of approximately 30 kilos each.

(b) Sort to individual species (for "river herring" this means sorting to alewife *Alosa pseudoharengus* and blueback *Alosa aestivalis*).

(c) Measure fork length for each fish to nearest cm, except for herring where the measurement will be the total length to the nearest cm below. Where other measurement systems are used, appropriate conversion information must be supplied.

(d) Take a subsample of one fish from each cm interval (or for fish of large size e.g. spiny dogfish, 2 or 3 cm intervals as in ICNAF standards) and remove scales and otoliths as appropriate. Record the sex of mature individuals in growth rate between sexes and to assure adequate weighting of age length keys between sexes.

(2) Length-weight samples

Individuals of one sample of each principal species of fish (e.g., expected yearly catch in area of agreement of 500 or more tons), per International Commission for the Northwest Atlantic Fisheries (ICNAF) Division per month, shall be weighted in grams and measured in millimeters separately for males and females. Each sample will contain 10 fish per centimeter interval (or for fish of large size e.g. spiny dogfish, 2 or 3 cm intervals as in ICNAF standards) for the length range of fish and may be accumulated if necessary from small samples taken over several catches and days. With small fish, where weighting at sea of individuals is not accurate, appropriate numbers of fish of the same length class shall be weighted in aggregate. Sex shall be recorded for mature individuals.

b. Pacific Coast

Biological sampling by the U.S.S.R. will not be required during 1977. Future collection of biological data by the U.S.S.R. will be coordinated according to sampling designs jointly developed through consultations between U.S. and U.S.S.R. scientists to assure specific research needs.

3. The provisions of this Annex may be amended by agreement through an exchange of notes between the two Governments.

ANNEX III

Procedures Relating to United States Port Calls

Article XII of the Agreement provides for the entry of fishing vessels of the Union of Soviet Socialist Republics allowed to fish pursuant to the Agreement into designated ports of the United States in accordance with United States law for certain purposes. This Annex designates the ports and purposes authorized and describes the procedures which govern port entries.

1. Soviet vessels which have been issued permits or have been authorized to receive permits pursuant to the Agreement are authorized, beginning on the date of entry into force of the Agreement, to enter the ports of Boston; New York; Philadelphia; Baltimore; Seattle; Portland, Oregon; and Honolulu; pursuant to the following procedures.

2. Vessels of the Union of Soviet Socialist Republics may enter the ports specified above to replenish ship's stores or fresh water, obtain bunkers, provide rest for or make changes in their crews, to obtain repairs and other services normally provided in these ports, and, as necessary, to receive permits. Authorized vessels enroute to one of the designated ports to receive a permit will be treated as non-fishing vessels, so long as such vessels observe the provisions of this Agreement.

3. Entry shall be permitted subject to notice to the United States Coast Guard, forwarded so as to be received four days in advance of the port entry using (1) Telex, using Telex number 89-2427, or (2) Teletype Communication "TWX", using TWX number 710-822-1959, or (3) Western Union, using the Address "U.S. Coast Guard Headquarters, 6th and D Streets, S.W., Washington, D.C." All such entries are subject to the applicable laws and regulations of the United States, including the Federal Water Pollution Control Act.

4. The Government of the United States of America at its Embassy in Moscow will accept crew lists in application for visas valid for a period of six months for multiple entry into the specified United States ports. Such a crew list shall be submitted at least fourteen days prior to the first entry of a vessel into a port of the United States. Submission of an amended (Supplemental) crew list subsequent to departure of a vessel from a port of the Union of Soviet Socialist Republics will also be subject to the provisions of this paragraph, provided that visas thereunder shall only be valid for six months from the date of issuance of the original crew list visa. Notification of entry shall specify if shore leave is requested under such multiple entry visa.

5. In cases where a seaman of the Union of Soviet Socialist Republics is evacuated from his vessel to the United States for the purpose of emergency medical treatment, authorities of the Union of Soviet Socialist Republics will ensure that the seaman departs from the United States within fourteen days after his release from the hospital. During the period that the seaman is in the United States, representatives of the Union of Soviet Socialist Republics will be responsible for him.

6. The exchange of crews of vessels of the Union of Soviet Socialist Republics in the specified ports shall be permitted subject to submission to the United States Embassy in Moscow of applications for individual transit visas and crewman visas for replacement crewmen. Applications shall be submitted fourteen days in advance of the date of the arrival of the crewmen in the United States and shall indicate the names, dates and places of birth, the purpose of the visit, the vessel to which assigned, and the modes and dates of arrival of all replacement crewmen. Individual passports or seamen's documents shall accompany each application. Subject to United States laws and regulations, the United States Embassy will affix transit and crewman visas to each passport or seaman's document before it is returned. In addition to the requirements above, the name of the vessel and date of its expected arrival, a list of names, dates and places of birth for those crewmen who shall be admitted to the United States under the responsibility of Soviet representatives for repatriation to the Union of Soviet Socialist Republics and the dates and manner of their departure from the United States shall be submitted to the Department of State fourteen days in advance of arrival.

7. Special provisions shall be made as necessary regarding the entry of research vessels of the Union of Soviet Socialist Republics which are engaged in a mutually agreed research program in accordance with the terms of Article X of the Agreement. Requests for entries of fishery research vessels should be forwarded to the United States Department of State, Washington, D.C. through diplomatic channels.

8. The provisions of this Annex may be amended by agreement through an exchange of notes between the two Governments.

AGREED MINUTES

The representatives of the Government of the United States and the Government of the Union of Soviet Socialist Republics have agreed to record the following in connection with the Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Concerning Fisheries Off the Coasts of the United States signed today:

1. The two Governments agreed to take note that the administration of the Agreement during the first year of its operation would be in some respects transitional in nature.

2. With regard to the existing Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding Fisheries in the Northeastern Pacific Ocean off the Coast of the United States of America which entered into force on August 1, 1975, and expires on December 31, 1976, the Government of the United States of America is prepared to continue measures to minimize gear conflicts between fishing vessels of the two countries in accordance with paragraphs 4 and 5 of that Agreement, and facilitate the entry of Soviet fishing, fishery research and fishery support vessels into designated United States ports in accordance with paragraph 13 of that Agreement.

3. The commitment in paragraph 2 above by the Government of the United States shall be assured during the transitional period following December 31, 1976 and prior to the entry into force of the Agreement signed today, upon the understanding that the Government of the Union of Soviet Socialist Republics during the transitional period prior to entry into force of the Agreement signed today intends to abide by the fishing restrictions and conservation measures of the former Agreement.

4. It is understood by the representatives of both Governments that it would be mutually advantageous to continue their coordinated research, conduct their fishing with due regard for the conservation of the stocks of fish, facilitate entry into appropriate ports and protect the marine environment in accordance with the former Agreement during the transitional period prior to the entry into force of the Agreement signed today.

5. With respect to Article II, paragraph 6. b. of the Agreement, representatives of the two Governments agreed that vessels used exclusively for medical, sanitary or patrol purposes should not be considered as fishing vessels for purposes of this Agreement.

6. The Soviet representative agreed that his Government would ensure that any vessels which are capable of undertaking fishing activity and do not have on board a U.S. permit which are used for emergency medical or sanitary purposes or for rescue of persons or vessels in distress or in cases of *force majeure* shall notify the U.S. upon their entry into the U.S. fishery conservation zone. The Soviet representative further agreed that all fishing gear on or near the working deck of such vessels shall not be rigged so as to be readily available for use.